

REMARKS

Claims 37-40 have been canceled, claims 22, 28, and 33 have been amended. No new claims have been added by way of this response. Thus, claims 22-36 are currently pending and presented for examination. Applicant respectfully requests reconsideration and allowance of the pending claims in view of the foregoing amendments and the following remarks.

Response to Rejections Under Section 112:

Claims 33-36 stand rejected under 35 U.S.C. 112, as being indefinite since “a resource server” is recited twice Applicant has amended independent claim 33 to recite “a resource server” once. Therefore, Applicant respectfully requests that the Examiner withdraw the Section 112 rejections.

Response to Rejections Under Section 103:

Claims 22-26, 28-35, 37-40 stand rejected under 35 U.S.C § 103(a), the Examiner contending that these claims are obvious over Hefel et al. (USPN 5,563,875) in view of Smith et al. (US PGPub 2002/0159393). Claims 27 and 36 stand rejected under 35 U.S.C § 103(a), the Examiner contending that these claims are obvious over Hefel in view of Smith in view of Chong (US 6,738,353).

Applicant's Claim 22, as amended, recites:

performing first method steps, comprising: setting up a connection between a resource server and the first gateway by the packet-based switching system, the second gateway not included in the connection; ... performing second method steps, comprising: setting up a connection between the resource server and the second gateway by the packet-based switching system, the first gateway not included in the connection

Thus, Applicants first method connection is independent of the second gateway and the second method connection is independent of the first gateway (see e.g. FIG 3). In contrast, Hefel teaches a first method connection setup between a first node and a second node and a second method connection between a first node and a third node via the second node. Thus, the second node is included in the second method connection (see e.g. Fig 4). Furthermore, Applicant's Claim 22 recites:

performing third method steps, ... setting up a connection between the resource server and the first gateway by the packet-based switching system, and by setting up a connection between the first gateway and the second gateway by the packet-based switching system, and by setting up a connection between the second gateway and the resource server by the packet-based switching system;

Thus, Applicant's provide a connection from the resource server to the first gateway, from the first gateway to the second gateway, and from the second gateway to the resource server without a loopback at the first or second gateway (see e.g., FIG 4). In contrast Hefel teaches a connection between the first node and a second node, a connection between the second node and a third node and a loopback from the third node back to the second node and then back to the first node (see e.g. Fig 4).

Applicant's Claim 28, as amended, recites:

transmitting test information via the connection to the first gateway from the resource server, the test information including test data, the test data including at least a tone, voice sample or video sample ... evaluating the looped-back test data with regard to criteria relating to the transmission quality;

In contrast, Hefel teaches sending data 23 containing a time stamp representing the precise time the message is sent, connection identification, and the wrap-around node (see e.g., Fig 2, col. 5 lines 56-60). Hefel, does not teach or suggest the test data includes at least a tone, voice sample or video sample. Furthermore, since Hefel is concerned with transmission time, there would be no motivation for Hefel to include such test data. Likewise, Smith is concerned with transmission time and there would be no motivation for Smith to include such data.

In view of the above, independent claims 22 and 28 are patentable. Additionally, independent claim 33, having similar limitations as claim 22, is also patentable. Furthermore, Claims 23-27 which depend on claim 22, claims 29-32 which depend on claim 28, and claims 34-36 which depend on claim 33 are also patentable at least based on their dependency as well as based on their own merits. Therefore, Applicant respectfully requests that the Examiner withdraw the Section 103 rejections.

Conclusion

For the foregoing reasons, it is respectfully submitted that the objections and rejections set forth in the outstanding Office Action are inapplicable to the present claims. All correspondence should continue to be directed to our below-listed address. Accordingly, Applicant respectfully requests that the Examiner reconsider the objections and rejections and timely pass the application to allowance. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including fees for additional claims and terminal disclaimer fee, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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